IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6178 OF 2005

The Principal,
G.M.Momin Women's College,Thane ..Petitioner.

Vs.

Mrs.Karuna Khobragade & anr. ..Respondents.

....

Mr.A.G.Kothari for the Petitioner.

Mr.N.M.Ganguli for Respondent No.1.

Mr.B.V.Phadnis for Respondent No.2.

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CORAM : F.I.REBELLO &

DR.D.Y.CHANDRACHUD, JJ.

21st September, 2005.

P.C. :

The case of Respondent No.1 in the representation to the grievance committee dated 7/10 November, 1999 was that she was removed from service. Considering Section 57(2) of the Maharashtra Uniersities Act, 1994, the grievance committee will not have jurisdiction in respect of

the matter which the Tribunal has jurisdiction. Section 57 read with Section 61 of the Act in the case of termination confers jurisdiction on the Tribunal. Clearly, therefore, the impugned order of the grievance committee is without jurisdiction and consequently, the Petition has to be allowed. In the light of that, rule made absolute in terms of prayer clause (a). It would be open to the Petitioner, if so advised, to prefer an appeal before the College Tribunal and disposal of this Petition will not stand in their way.

In so far as the order to the extent of the decision by the committee that the First Respondent should be paid in the proper pay scale is concerned, Petitioner Management to take steps to pay the First Respondent if she is entitled to any arrears and to pay the same within three months from today. This would be for the period actually worked.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)